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Docket No. 70116/49945

TC 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Cesarczyk, Edward J.

U.S.S.N.: 09/778,125

Art Unit: 1743

FILED: February 6, 2001

Examiner: L. Alexander

FOR: DIAGNOSTIC TESTING DEVICE AND METHOD OF USE  
THEREOF

\*\*\*\*\*

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 31, 2003

By:

Eileen M Woodbury  
Eileen Woodbury

\*\*\*\*\*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 02209-9169

Sir:

RESPONSE TO OFFICE ACTION

The following is in response to the Office Action mailed August 1, 2003, in the above referenced application.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.

01/08/2004 ZJUHA1 00000121 09778125

01 FC:2252	210.00 OP
02 FC:2202	36.00 OP
03 FC:2201	172.00 OP



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TC 1700

Practitioner's Docket No 49945-RCE (70116)

PATENT

...1743\$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cesarczyk, Edward J.  
Application No.: 09/778,125  
Filed: February 6, 2001  
For: DIAGNOSTIC TESTING DEVICE AND METHOD OF USE THEREOF

Group No.: 1743  
Examiner: L. Alexander

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is  
☒ a small entity. A statement:  
[ ] is attached.  
[x] was already filed.  
[ ] other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- [ x ] deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 12/31/03

FACSIMILE

- [ ] transmitted by facsimile to the Patent and Trademark Office (703) \_\_\_\_-\_\_\_\_.

Eileen M Woodbury  
Signature

Eileen M. Woodbury  
(type or print name of person certifying)

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$ 1,480.00	\$ 740.00

Fee: \$ 210.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Addit. Fee
Total	34	Minus	30	= 4	x \$9 =	\$		x \$18 = \$36
Indep.	8	Minus	4	= 4	x \$43 =	\$		x \$86 = \$168
[ ] First Presentation of Multiple Dependent Claim					+ \$140 =	\$		+ \$280 = \$
						Total Addit. Fee	OR	Total Addit. Fee
						\$____		\$208

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,  
 \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) [ ] No additional fee for claims is required.

**OR**

- (d) [X] Total additional fee for claims required \$208.00

## FEE PAYMENT

5. [X] Attached is a check in the sum of \$ 418.00  
 [ ] Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
 A duplicate of this transmittal is attached.

## FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

## AND/OR

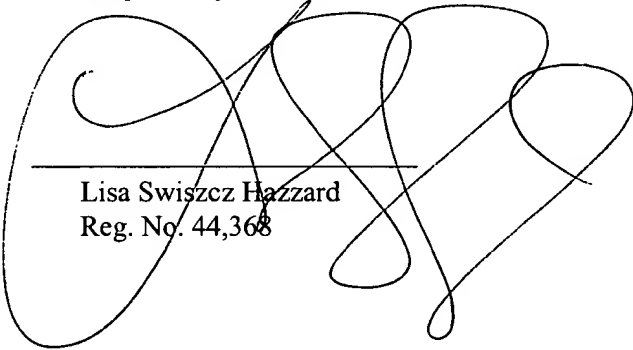
☒ If any additional fee for claims is required, charge Account No. 04-1105.

Respectfully submitted

Date:

12/31/03

By:

  
\_\_\_\_\_  
Lisa Swiszc Hazzard  
Reg. No. 44,368

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